IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 9440 of 2000

For Approval and Signature:

HON'BLE MR JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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BANASARILAL GUPTA - Petitioner(s)

Versus

FOOD CORPORATION OF INDIA & 2 - Respondent(s)

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Appearance :

NOTICE SERVED for Petitioner No(s).: 1.

NOTICE SERVED BY DS for Respondent No(s).: 1.
MR YF MEHTA for Respondent No(s).: 1,2.
M/S THAKKAR ASSOC. for Respondent No(s).: 1,2.
RULE NOT RECD BACK for Respondent No(s).: 3.
RULE SERVED for Respondent No(s).: 3.

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CORAM : HON'BLE MR JUSTICE KS JHAVERI

Date : 04/08/2005

ORAL JUDGMENT

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1. Though served, none appeared on behalf of the petitioner.

2. The petitioner by way of this petition has prayed for the following reliefs :-

(A) This Hon'ble Court by appropriate writ, order or direction, to quash and set aside the appointment order Annexure-D to this petition.
(B) This Hon'ble Court by appropriate writ, order or direction, direct the respondents no. 1 & 2 to post the petitioner as Mandal in Gang No.9.
(C) Pending admission, hearing and final disposal of this petition, the respondents no. 1 & 2 be directed to post the petitioner as Mandal in Gang No. 9 and restrain the respondents No. 1 ans 2 from posting the respondent no. 3 as Mandal in Gang No. 9.
(D) .....

2. I have heard the learned counsel for the respondent. Having perused the materials produced on record and in view of the affidavit-in-reply, more particularly para 4, wherein it is stated that the petitioner has already availed of the alternative remedy, by way of an application being IESO No.7/2000 before the Labour Court praying for the same reliefs as prayed aforesaid. Hence, this petition cannot be entertained.

3. In above view of the matter, the petition stands

disposed of. Rule is discharged with no order as to costs. Interim relief if any stands vacated.

[K.S. JHAVERI, J.]

/phalguni/x